HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram : Hon'ble Shri Jagdish Bhalla, Ag. C.J. &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal No. 724/2006

Appellant Claimant : Vidyasagar Jaiswal S/o Shivlal Jaiswal, aged about 42 years, Occupation Grade-I Clerk, SECL, Bhatgawan, R/o Village Rai, Police Station Jainagar, Tahsil Surajpur, District Surguja C.G.

Versus

Respondents Non-applicants :

1. Sureshchandra Vishwakarma, S/o Late R.P. Vishwakarma, R/o Ward no. 16, Bramh Road, Ambikapur, District Surguja (C.G.)
2. Dinesh Yadav S/o Shri Charanjeet Yadav, R/o Village Kunjnagar, Post and Police Station Jainagar, Tahsil Surajpur, District Surguja (C.G.)
3. Premsagar Gupta S/o Unknown, aged about 22 years, R/o Village Gopalpur, Post Silfili, Police Station Jainagar, Tahsil Surajpur, District Surguja (C.G.)
4. The Oriental Insurance Company Limited, Through the Branch Manager, The Oriental Insurance Company Limited, Ambikapur, District Surguja (C.G.)

Memo of Appeal Under Section 173 of the Motor Vehicle Act, 1988

Present:-
Shri Rakesh Pandey, counsel for the appellant.

ORAL ORDER
(Passed on 18-06-2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

Heard.

Aggrieved by the order dated 25.2.2006 passed by learned 2nd Additional Motor Accident Claims Tribunal, (F.T.C.) Surajpur passed in Claim Case No. 24/2005, the appellant has preferred this appeal.

The only point urged by the learned counsel for the appellant in this appeal for enhancement of compensation in an injury case is that the learned Tribunal ought to have awarded interest from the date of application instead of awarding it from the date of order.

Having heard the learned counsel for the appellant, we have perused the record. In an injury case, learned Motor Accident Claims Tribunal has awarded compensation as under:

1.	Actual expenses in treatment	-	Rs. 15,000/-
2.	Special diet	-	Rs. 3,000/-
3.	Conveyance Charges	-	Rs. 14,714/-
4.	Towards pain and suffering	-	Rs. 50,000/-
5.	Towards expenses for attendant	-	Rs. 2,000/-
6.	Loss towards sustaining fracture in both legs	-	Rs. 35,000/-
7.	Loss towards injury sustained in the head	-	Rs. 10,000/-
	Total compensation	-	Rs. 1,04,714/-

The Tribunal has also awarded interest @ 9% on the above amount from the date of award trill realization.

We are of the considered opinion that the learned Tribunal has already awarded in excess of what it ought to have awarded under conventional heads. For instance, compensation of Rs.45,000/- awarded under item Nos. 6 and 7 was wholly unnecessary since a composite amount of Rs.50,000/- was already awarded under item No. 4 mentioned above. The interest awarded from the date of order is also on the higher side.

In this view of the matter, the prayer made by the learned counsel for the appellant cannot be accepted. The appeal is accordingly dismissed at the stage of admission.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge